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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,327	06/25/2003	David Darden Chambliss	SJO920030023US1	2848
63527 7590 05/22/2008 DAVID W. LYNCH CHAMBLISS, BAHNER & STOPHEL 1000 TALLAN SQUARE-S TWO UNION SQUARE CHATTANOOGA, TN 37402				
EXAMINER ANYA, CHARLES E				
ART UNIT 2194		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/603,327

**Applicant(s)**

CHAMBLISS ET AL.

**Examiner**

Charles E. Anya

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

1. Claims 31-54 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 31-48 and 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/0037178 A1 to Vessey et al.**

3. As to claim 31, Vessey teaches a program storage device readable by a computer, the program storage device tangibly embodying one or more programs of instructions executable by the computer to perform a method for providing a two-step communication scheme, the method comprising: establishing a portion of memory configured to provide asynchronous, connectionless inter-process communication between a first process and a second processes (“...shared memory...memory region...” page 2 paragraphs 0024-0028, “...shared memory window...” Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs

0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460); granting exclusive read and write access to a first process to the portion of memory configured to provide asynchronous ("...can write to, and read from..." page 17 paragraphs 0236-0238, "...copies part..." page 17 paragraph 0237, "...read access...write access..." page 18 paragraph 0242, "...access rights..." page 21 paragraph 0286/0287, "...lock mechanism...acquire lock..." page 21 paragraphs 0289-0292, "...updating information..." page 23 paragraph 0319, "...lock..." page 22 paragraph 0307), connectionless inter-process communication between the first process and the second process ("...without..." page 2 paragraph 0024); while having been granted to the exclusive read and write access to the portion of memory configured to provide asynchronous, connectionless inter-process communication, accessing independently of any connection to said second process the portion of memory configured to provide asynchronous, connectionless inter-process communication by the first process to modify the contents thereof to provide a message for processing by the second process ("...without..." page 2 paragraphs 0024-0029, Shared Memory Driver 2218 page 29 paragraphs 0393/0400, "...emulated socket connection..." page 32 paragraph 0438, Step 3118 page 26 paragraph 0355); and releasing exclusive read and write access by the first process to the portion of memory configured to provide asynchronous, connectionless inter-process communication to prevent inter-process communication between the first and second process from becoming a performance bottleneck by releasing resources of the first process after the

first process modifies the contents of the portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0348, page 27 paragraph 0360).

4. As to claim 32, Vessey teaches the program storage device of claim 31 wherein the method further comprises configuring the memory to provide header having an operation code and a parameter region interpreted according to the operation code (figure 20 Control Structure header 1910 page 20 paragraph 0278, page 22 paragraph 0302-0304).

5. As to claim 33, Vessey teaches the program storage device of claim 31, wherein the providing the message into the portion of memory by the first process further comprises initiating a remote procedure call ("...procedural parameters..." page 21 paragraph 0278).

6. As to claim 34, Vessey teaches the program storage device of claim 31 wherein the method further comprises granting exclusive read and write access to the second process to the portion of memory configured to provide asynchronous("...access rights..." page 21 paragraph 0286/0287, "...lock mechanism...acquire lock..." page 19 paragraphs 0289-0292, "...updating information..." page 23 paragraph 0319, "...lock..." page 22 paragraph 0307), connectionless inter-process communication, while having been granted to the exclusive read and write access to the portion of memory, accessing independently of any connection to said first process the portion of memory

by the second process (“...without...” page 2 paragraphs 0024-0029, Shared Memory Driver 2218 page 29 paragraphs 0393/0400, “...emulated socket connection...” page 32 paragraph 0438) to access the message provided in the portion of memory by the first process (Steps 3136-3146 page 27 paragraph 0359) and releasing exclusive read and write access by the second process to the portion of memory page (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

7. As to claim 35, Vessey teaches the program storage device of claim 34 wherein the method further comprises: establishing exclusive read and write access to the portion of memory by the second process (“...access rights...” page 21 paragraph 0286/0287, “...lock mechanism...acquire lock...” page 19 paragraphs 0289-0292, “...lock...” page 22 paragraph 0307); accessing independently of any connection to said first process the portion of memory by the second process to provide a result message in response to the message placed in the portion of memory by the first process (“...without...” page 2 paragraphs 0024-0029, Shared Memory Driver 2218 page 29 paragraphs 0393/0400, “...emulated socket connection...” page 32 paragraph 0438); releasing exclusive read and write access by the second process to the portion of memory (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360) and providing by the second process a notification to the first process to check the portion of memory (“...inter-processor interrupt mechanism...” page 20 paragraph 0274, “...to alert...” page 23 paragraph 0322, page 24 paragraphs 0328/0329, “Send Signal...” page 26 paragraph 0349).

8. As to claim 36, Vessey teaches the program storage device of claim 31 wherein the method further comprises providing by the first process a notification to the second process to check the portion of memory ("OS1 copies the offset pointer..." page 19 paragraph 0256, "...inter-processor interrupt mechanism..." page 20 paragraph 0274, "...to alert..." page 23 paragraph 0322, page 24 paragraphs 0328/0329, "Send Signal..." page 26 paragraphs 0349/0355).

9. As to claim 37, Vessey teaches a server comprising a memory (figures 22-24), wherein a portion of the memory is configured to provide two-step, asynchronous, connectionless inter-process communication between a first process and a second process, the portion of memory being configured as memory accessible by the first and second processes by selective granting ("...shared memory...memory region..." page 2 paragraphs 0024-0028, "...shared memory window..." Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs 0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460), wherein read and write access to the portion of memory being granted exclusively to the first process for modification of contents of the portion of memory independently of any connection to said second process ("...without..." page 2 paragraphs 0024-0029, Shared Memory Driver 2218 page 29 paragraphs 0393/0400, "...emulated socket connection..." page 32 paragraph 0438) to prevent inter-process communication between the first and second process ("... "exclusive window"..." page 6 paragraphs 0123/0128/0129, "...access rights..." page 21 paragraph 0286/0287,

"...lock mechanism...acquire lock..." page 21 paragraphs 0289-0292, "...lock..." page 22 paragraph 0307) from becoming a performance bottleneck by releasing resources of the first process after the first process modifies the contents of the portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0349, page 27 paragraph 0360).

10. As to claims 38 and 42, see the rejection of claim 32 above.

11. As to claims 39 and 45, see the rejection of claim 33 above.

12. As to claim 40, Vessey teaches the server of claim 37, wherein the first process releases exclusive read and write access by the first process to the portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0349, page 27 paragraph 0360), the second process is granted exclusive read and write access to the portion of memory configured to provide asynchronous ("...access rights..." page 21 paragraph 0286/0287, "...lock mechanism..." page 19 paragraph 0289, "...updating information..." page 23 paragraph 0319, "...lock..." page 22 paragraph 0307), connectionless inter-process communication, accesses the portion of memory independently of any connection of said first process to access the message provided in the portion of memory by the first process ("...without..." page 2 paragraphs 0024-0029, Shared Memory Driver 2218 page 29 paragraphs 0393/0400, "...emulated socket connection..." page 32 paragraph 0438) and releases exclusive read and write access by the second process to the



portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0349, page 27 paragraph 0360).

13. As to claims 41, see the rejection of claims 35 and 36 above.

14. As to claims 42 and 48, see the rejection of claim 36 above.

15. As to claim 43, Vessey teaches a system (figures 22-24), comprising: a first process (OS1 2206a/APP1 2208a); a second process (OS1 2206n/APP1 2208n); and memory configured to provide asynchronous, inter-process communication between the first process and the second process, wherein read and write the memory provides a portion of memory configured to be accessible by the first and second processes ("...shared memory...memory region..." page 2 paragraphs 0024-0028, "...shared memory window..." Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs 0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460) by selective granting ("...access rights..." page 21 paragraph 0286/0287, "...lock mechanism..." page 19 paragraph 0289, "...updating information..." page 23 paragraph 0319, "...lock..." page 22 paragraph 0307), wherein read and write access to the portion of memory is granted exclusively to the first process for modification of contents of the portion of memory to prevent inter-process communication between the first and second process ("...lock mechanism...acquire lock..." page 21 paragraphs 0289-0292,

"...updating information..." page 23 paragraph 0319, "...lock..." page 22 paragraph 0307) from becoming a performance bottleneck by releasing resources of the first process after the first process modifies the contents of the portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0349, page 27 paragraph 0360).

16. As to claim 46, see rejection of claim 34 above.

17. As to claim 47, Vessey teaches the system of claim 46, wherein the second process is granted exclusive read and write access to the portion of memory, accesses the portion of memory to provide a result message in response to the message placed in the portion of memory by the first process ("...access rights..." page 21 paragraph 0286/0287, "...lock mechanism...acquire lock..." page 21 paragraphs 0289-0292, "...updating information..." page 23 paragraph 0319, "...lock..." page 22 paragraph 0307), releasing exclusive read and write access by the second process to the portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0349, page 27 paragraph 0360) and provides a notification to the first process to check the portion of memory ("...inter-processor interrupt mechanism..." page 20 paragraph 0274, "...to alert..." page 23 paragraph 0322, page 24 paragraphs 0328/0329, "Send Signal..." page 26 paragraph 0349).

18. As to claims 51-53, see the rejection of claim 1 above.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**19. Claims 49,50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,804,714 B1 to Tummalapalli in view of U.S. Pat. No. 2003/0037178 A1 to Vessey et al.**

20. As to claim 49, Tummalapalli teaches a service level agreement (SLA) server, comprising: a plurality of processes (figure 2 Col. 5 Ln. 25 – 67), the plurality of processes comprising a database manager for managing performance data, an application server for collecting performance data ("...concurrent processing server..." Col. 5 Ln. 45 – 65, Col. 7 Ln. 1 – 6) and providing a client interface for establishing service level agreements (User Layer tool 236/Service Reports tool 234 Col. 8 Ln. 45 – 53), a SLA core for analyzing data and controlling actions based on service level agreements and policy ("...concurrent processing managers..." Col. 5 Ln. 45 – 67, Col. 6 Ln. 66 – 67, Col. 7 Ln. 1 – 20) and a performance monitor daemon for communicating with remote I/O service gateways to collect data and send throttling requests ("Database performance monitor..." Col. 6 Ln. 42 – 59);

Tummalapalli is silent with reference to memory configured to provide asynchronous, inter-process communication between the processes, wherein the memory provides a portion of memory configured to be accessible by the processes by selective granting, wherein read and write access to the portion of memory is granted exclusively to a first of the processes for modification of contents of the portion of memory to prevent inter-process communication between the process from becoming a performance bottleneck by releasing resources of the first of the processes after the first of the processes modifies the contents of the portion of memory.

Vessey teaches a memory configured to provide asynchronous, inter-process communication between the processes, wherein the memory provides a portion of memory configured to be accessible by the processes by selective granting (“...shared memory...memory region...” page 2 paragraphs 0024-0028, “...shared memory window...” Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs 0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460), wherein read and write access to the portion of memory is granted exclusively to a first of the processes for modification of contents of the portion of memory to prevent inter-process communication between the process (“...access right...” page 7 paragraph 0131, “...copies part...” page 17 paragraph 0237, “...access rights...” page 21 paragraph 0286/0287, “...lock mechanism...acquire lock...” page 21 paragraphs 0289-0292, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307) from becoming a performance bottleneck by releasing resources of the first of the

processes after the first of the processes modifies the contents of the portion of memory ("Deallocate Shared Memory..." page 26 paragraph 0349, page 27 paragraph 0360).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vessey and Tummalapalli because the teaching of Vessey would improve the system of Tummalapalli by providing a locking mechanism for locking shared memory in order to facilitate greater throughput between partitions, since contention for system lock is eliminated (Vessey page 22 paragraph 0307).

21. As to claims 50 and 54, see the rejection of claim 49 above.

#### *Response to Arguments*

Applicant's arguments filed 3/7/08 have been fully considered but they are not persuasive.

Applicant argues in substance that (1) the Vessey prior art does not teach connectionless inter-process communication between a first and second processes and (2) the Vessey does not also teach a portion of memory configured to be accessible by a first and second processes by selective granting, whereby the read and write access to the portion of memory is granted exclusively to the first process.

Examiner respectfully traverses Applicant's arguments:

As to point (1), the Vessey prior art discloses a method of emulating network communications between applications executing in different partitions of a partitionable

computer system. A connection is established between a first partition and a second partition of a computer system, through a memory region of the computer system shared by both the first partition and the second partition. Network messages are transmitted from a first application in the first partition using a network application interface and intended for transmission to a second application in the second partition. The network messages transmitted by the first application are transmitted to the second application via the connection established through the memory region. This technique allows applications in different partitions of the computer system to communicate using the networking application interfaces, **but without the need for an external network connection between the partitions**. The shared memory resources of a partitionable computer system enables the emulate network communications through a region of memory shared by one or more partitions. The emulate network communications and therefore "connection between partitions without the need for an external network connection" makes the communication between partitions connectionless.

As to point (2), as discussed above the Vessey prior art discloses a method of emulating network communications between applications executing in different partitions of a partitionable computer system using shared memory region. Access to the shared memory region is controlled by a lock mechanism. The lock mechanism allows the different partitions to lock access to the memory structures of shared memory region as needed and ensures that one partition is capable modifying any memory structure at any given time and therefore allows for exclusive/selective granting of access to the shared memory region.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

cea.